



2026:CGHC:10383



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1527 of 2025

1 - Xyz (Juvenile In Conflict With Law) (Description Of Applicant And The Name Of Legal Guardian Is In Closed Envelope)

... Applicant

versus

1 - State Of Chhattisgarh Through- The Station House Officer, Police Of Police Station Khadgawan, District : Manendragarh-Chirmiri-Bharatpur, Chhattisgarh

... Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Aman Tamrakar, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

27/02/2026

1. The present Revision petition under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "the Act, 2015") has been preferred against the impugned order dated 08.08.2025 passed by the learned Special Judge, (Under POCSO Act) Chirmiri, District – Koriya, C.G. in Criminal Appeal Case No.



42/2025, upholding the order dated 03.07.2025 passed by learned Principal Magistrate, Juvenile Justice Board, Baikunthpur, District - Koriya (C.G.) rejecting the bail application of the applicant in connection with Crime No. 125/2025 registered at Police Station Khadgawan, District – Manendragarh-Chirmiri-Bharatpur (C.G.) for the offence punishable under Sections 137(2), 87, 65(1) of BNS and Sections 4 & 6 of POCSO Act.

2. As per the prosecution's case, on 06.06.2025, a letter was received by the concerned police station from the office of the Medical Officer, Health Center, Khadgawan, District – Manendragarh-Chirmiri-Bharatpur, to the effect that on 28.05.2025, a minor/unmarried victim had conceived a pregnancy. Based on this, an investigation was carried out in which the statement of the victim was recorded. In her statement, the victim stated that the applicant lured her away on the pretext of marriage and abducted her. On 30.03.2025 at about 8:00 pm, he forcibly raped her for the first time, then raped her several times thereafter. Thereafter, on 05.05.2025, he raped her for the last time, due to which she became pregnant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant has no criminal past, he is innocent and has



been falsely implicated in the crime in question. He further submits that the applicant is aged about 16 to 17 years and the victim is also aged about 14 to 15 years and the victim resided along with the applicant in a separate house, where the applicant and victim resided together for a period of one and half month and during this period, no missing report whatever lodged by the family member of victim, which shows that the family members of victim know this fact that the victim is resided along with the applicant. The applicant is in the observation home since 07.06.2025 and the social status report is his favour. He further submits that there is no likelihood that his release would bring him into association with any known criminal or expose him to moral, physical or psychological danger. The learned Court below have in mechanical manner rejected the bail. Considering the provisions of the Act, 2015, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for the grant of bail and submits that the applicant, who is aged about 16-17 years, committed a heinous offence with a minor girl who is aged about 14-15 years, due to which she got pregnant and gave birth to a dead baby. However, he submits that the social status report is in favour of the applicant, and the applicant has



no criminal record.

5. The victim and her mother appeared through V.C. from the concerned DLSA and recorded no objection to grant of bail to the applicant.
6. Section 12 of the Act, 2015 makes it absolutely clear that a child alleged to be in conflict with law should be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person. The only embargo created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied.
7. Be that as it may, a social status report was submitted by the concerned Probation Officer. A bare perusal of it would show that the conduct of the applicant is not only good, but he is living in disciplinary manner and the child's education is interrupted, and the applicant and the victim are close relatives. Besides, it does not indicate anywhere in the said report that the release of the applicant on bail would bring him in association with any known criminal or expose him to moral, physical or psychological danger or would otherwise defeat the ends of justice. In view thereof, none of the grounds are thus available to reject the



application filed under Section 12 of the Act, 2015. The trial Court as well as appellate Court have, therefore, committed an illegality in rejecting the application *de hors* the mandate of the Act, 2015.

8. Accordingly, the orders passed by the Special Judge and the Juvenile Justice Board are set aside, and the Revision is **allowed**. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** by the parents/guardian with one local surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of the said guardian. Along with the bail bond, copies of the Aadhar Card and coloured Post Card full size photo shall also be submitted by the applicant as well as by the surety, which shall be duly verified by the trial Court.
9. It is observed that the person stands as surety will furnish an undertaking that the applicant shall not come in contact with any bad element and in case, if he is found to be indulged in any unlawful act, the surety/father of the applicant shall inform to the concerned Police Station.

Sd/-
(Sanjay Kumar Jaiswal)
Judge